{In Archive} RE: Pontiac Mtg follow up.

Patrick Kuefler to: bruce.yurdin 12/23/2010 04:04 PM

Cc: "Willhite, Marcia", Tinka Hyde, Stephen Jann, James Coleman, Matthew Gluckman, "Sofat, Sanjay"

Bruce - I agree that training is an essential to make determinations whether a CAFO proposes to discharge. We are very happy to provide training. The checklist provided is what we think should be collected to make that determination in most cases. The checklist is intended provide enough information to guide the inspector to likely discharge issues and for a reviewer who has not been on-site to confirm the inspector's evaluation. The initial CAFO universe assessment process could go something like this:

1. Have a checklist/SOP that gathers the necessary information to determine if a CAFO proposes to discharge from the production area.
2. Provide training to all field staff on the checklist/documentation procedures and why the requested information is needed (why bedding type is important, and clean water diversion likely is not, etc) (Jan - Feb)
3. Conduct the inspections at the initial universe of potential CAFOs and collect and document the information on the checklist (Wet/runoff season - by April)
4. Have the assessments reviewed by a committee or some QA process beyond an individual inspector (as the inspections are completed)
5. Compel permit applications from facilities that discharge or propose to discharge so facilities can take advantage of the 2011 construction season (May-June)
6. Act on the permit applications within the agreed-upon timeframes.

While EPA did not make a finding in the petition report that IEPA was not doing enough inspections, we did so primarily because 1) IEPA has no universe of facilities upon which to state whether you met the national goal of inspecting 20% of the universe annually; 2) The inspection reports were not documented sufficiently to determine what was inspected. We couldn't tell if you did NPDES inspections or not.

If I understand correctly from our discussion in Pontiac, few if any "NPDES" inspections were conducted at CAFOs in Illinois. NPDES inspections of permit averse, wet weather dischargers should be done during wet conditions in order document, and sometimes convince them, that they discharge. By conducting NPDES inspections, even if they are fewer than the current number of complaint inspections, will likely result in a more robust NPDES program. More facilities will get into the permit pipeline, they will be subject to permit conditions that are designed to prevent problems which might manifest in complaints.

As you pointed out, storm water inspections can have some the same issues, the vast majority do not. The sites are typically under an NOI/permit and are evaluated against the permit conditions. When they are not, they typically are in developed areas with storm water collection systems designed to discharge directly or to a regional collection system. Many storm water inspections can be effectively conducted during dry weather. They would be even better during wet conditions.

I encourage you to collect the information in the checklist. We can work with you to cover all this in training. We understand that doing these evaluations are not easy and are a resource drain. A consistent, well documented evaluation of the universe is the first step that will allow us to resolve the petition. The inspectors need go into the field with the objective to find all the CAFOs that will discharge. Without resolving the universe issue, it will be difficult make progress the remainder of the petition.

Patrick F. Kuefler
Chief, Section II
Water Enforcement & Compliance Assurance Branch
Phone 312/353-6268, FAX 312/886-0168

"Yurdin, Bruce" Thanks for the form. We will certainly look it ove... 12/17/2010 02:25:38 PM

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|---|---|
| From: | "Yurdin, Bruce" <Bruce.Yurdin@Illinois.gov> |
| To: | Patrick Kuefler/R5/USEPA/US@EPA |
| Cc: | "Willhite, Marcia" <Marcia.Willhite@Illinois.gov>, Tinka Hyde/R5/USEPA/US@EPA, Stephen Jann/R5/USEPA/US@EPA, James Coleman/R5/USEPA/US@EPA, Matthew Gluckman/R5/USEPA/US@EPA, "Sofat, Sanjay" <Sanjay.Sofat@Illinois.gov> |
| Date: | 12/17/2010 02:25 PM |
| Subject: | RE: Pontiac Mtg follow up. |

Thanks for the form. We will certainly look it over as we develop our SOP and checklist. What this form points out, and appear to have in common with others I've seen, is the difficulty established by the federal CAFO rule and associated guidance (the May 28, 2010 "Implementation Guidance", for example) in making an unequivocal determination that a facility discharges or proposes to discharge.

While I'm not opposed to using this or any other form in pursuit of capturing better data and having those data recorded in our files, the information acquired is nearly useless as blindly gathered raw data (e.g., type of bedding used). Rather, the investigation (and the form) must yield a proper line of inquiry for any given facility that then allows us to determine if a discharge actually occurs or will occur. In that regard, this form lacks the means to make that determination and appears to rely heavily on the inspector's knowledge and experience--what questions to ask of the CAFO owner and why to ask them, where to look and why. For instance, this form makes no mention of the diversion of clean stormwater from livestock waste, whether its accomplished, how its accomplished or even if it's needed or practical.

I understand that Region 5 makes inspections, and that you have recommended we make inspections, only under wet weather conditions. Unfortunately, we do not always have that luxury--we must make our inspections at any point, at any time (and be 100% accurate, needless to say). Moreover, if we were relegated to making inspections only under wet weather conditions, the quantity of inspections would drop off dramatically--this is important because the number of CAFO inspections Illinois EPA made in the last several years was not raised as a deficiency in Region 5's Initial Results report or the PIP. Since the evidence of a CAFO discharge very often exists under all weather conditions, why would we want to tie our own hands, and as a consequence have our inspection numbers and effect drop to irrelevancy? We don't make construction site stormwater inspections under those circumstances--why would we do so with CAFOs?

The issue I'm attempting to raise here is that this is less about this form, or any form, and more about understanding CAFOs, how they operate and what constitutes solid evidence of a discharge or the very likely possibility of one. In that respect, your suggestion and offer for joint training is exactly the right course for both of us to take.
bjy

-----Original Message-----
From: Kuefler.Patrick@epamail.epa.gov [mailto:Kuefler.Patrick@epamail.epa.gov ]
Sent: Friday, December 17, 2010 12:52 PM
To: Yurdin, Bruce
Cc: Willhite, Marcia; Hyde.Tinka@epamail.epa.gov; Jann.Stephen@epamail.epa.gov; Coleman.James@epamail.epa.gov; Gluckman.Matthew@epamail.epa.gov
Subject: Pontiac Mtg follow up.

Bruce - attached is a inspection checklist/procedure that we developed for use

in the inspections of the interim universe of Large AFOs called for in the PIP. We think it includes the information that should be gathered to determine and document whether an AFO proposes to discharge.
These inspections should be done during wet conditions in order to more accurately assess the sites. We would be happy to provide training or answer any questions.

(See attached file: IEPA Initial CAFO Inspection - Questions and Process.docx)

Patrick F. Kuefler
Chief, Section II
Water Enforcement & Compliance Assurance Branch Phone 312/353-6268, FAX 312/886-0168

## INITIAL CAFO INSPECTION: QUESTIONS AND PROCESS

### ENTRANCE BRIEFING (Gather this information and an aerial photo of the facility)

- Name of Facility _____
- Address (and latitude and longitude if known)_____

  _____
- Ownership Structure (LLC, Corporation, etc.)_____
- Do they have any other locations under common ownership, where equipment and/or manure is shared (if so, what are the addresses)? _____
- Phone Number and email for Contact Person (cell number and home number)

  _____
- Type of Operation_____
- Number of animals of all types:

  Beef Cattle and Cow/Calf Pairs_____ Swine (under 55 lbs) _____

  Mature Dairy Cows (Milking and Dry) _____ Swine (over 55lbs) _____

  Poultry (Chicken/Ducks/Turkey etc.) _____ Calves_____

  Sheep/Goats_____ Heifers _____
- How many days of the year are each animal type confined?_____
- NPDES Permit and number (if applicable)_____
- Is there a CNMP on site? _____
- Total acres for Land Application? _____
- Do they have a Waste Management Plan (if greater than 1000 animal units)? _____
- Do they stockpile manure and where do they stockpile it? _____
- Do they transfer any manure off-site? _____
- Are solids removed from waste stream before storage and where stored? _____
- Is there a constructed outfall point on any waste or feed storage structure? _____
- If a Dairy, how is plate cooler water, milking parlor wash water, tank wash water handled? _____
- How are mortalities managed? _____
- Name the closest tributary to facility and where it flows to? Is there a local name for the local tributary? _____
- Have there been any reported discharges from the facility in the last 5 years? _____
- Do they have any clean water ponds on site? _____

## STORAGE STRUCTURES

**(During walk around, take photo of each structure and also identify structure on aerial photo)**

| Name of Storage Structure | Identify Location of Mortality and/or Compost Pile | Photo Number | What is Stored in this Structure ? | Capacity in Gallons or Tons | Days of Storage | How Often Is Structure Pumped Down? | How is Structure Emptied (Pump or Gravity) | Date of Last Pump Down | Ever Totally Emptied ? (Y/N) | Agitated Before Emptied ? (Y/N) | Type of Lining in Storage Structure | Staff Gauges in Structure' (Y/N) |
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| ANIMAL CONFINEMENT AND FEEDLOT INFORMATION<br>(During walk around, take photo of each barn or feedlot and also identify on aerial photo) | | | | | | | |
|---|---|---|---|---|---|---|---|
| **Name or Number of Barn or Feedlot** | **Photo Number** | **Type of Animal in Building or Feedlot** | **Number of Animals in Building or Feedlot** | **Type of Bedding Used in Barn or Feedlot** | **Method Used to Clean the Barn or Feedlot** | **Frequency of the Cleaning of the Barn or Feedlot** | **Is a Mist Cooling System Used in Barn** |
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**WALK AROUND (Idea is to confirm what was told to you in Entrance Briefing, look for discharges, identify bad management practices. Take photos to document.)**

**Barns**
Confirm piping and pumps that were identified in briefing.
Look for discharge or evidence of discharge (from drinkers, track in track out, coming out doors, under barn pit discharges, etc.).

**Milking Parlors**
Confirm piping for all drains and plate cooler water.
Identify any drains within the Bulk Tank Area and Milking Parlor.

**Manure Ponds and Pits (Walk the berm all the way around the structure!)**
Confirm piping and pumps that were identified in briefing.
Confirm staff gauges and note level of freeboard.
Look for discharge or evidence of discharge (denuded or dead vegetation, soft berms).
Note any woody growth and/or rodent holes on berm.
Note proximity to waterway.

**Manure Storage Structures (not ponds or pits)**
Confirm piping and pumps that were identified in briefing.
Look for and document any leachate pathways and note proximity to waterway.
Look for and document any discharge or evidence of discharge (denuded or dead vegetation).

**Mortalities**
Look for and document any leachate pathways and note proximity to waterway.

**Stockpiles and Compost Piles**
Confirm what was identified in briefing.
Look for and document any leachate pathways and note proximity to waterway.

**Feedlots and Walkways**
Look for and document leachate pathways and note proximity to waterway.
Look for standpipes in feedlot that would indicate tiles underneath.
Look for piping that would indicate draining of feedlot.
Is there an appropriate amount of water present (after a rain event)?

**Raw Materials (Feed, Bedding, Straw, Sand, etc)**
Look for and document any leachate pathways.
Identify how leachate is collected, stored, and pumped.
Walk completely around silage bunkers and note proximity to waterway.

**Vegetated Pathways**
Look for channelization of flow (in medium and large facilities).